

MEETING NO. 1
January 5, 2006

ERIE COUNTY LEGISLATURE

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January 5, 2006

The Legislature was called to order by the Clerk of the Legislature.

The Roll being duly called by Mr. Kevin M. Kelley, Clerk of the Legislature, the following Legislators answered to wit:

1st District
Daniel M. Kozub

2nd District
Timothy M. Kennedy

3rd District
George A. Holt, Jr.

4th District
Michael H. Ranzenhofer

5th District
Kathy Konst

6th District
Maria R. Whyte

7th District
Demone A. Smith

8th District
Thomas J. Mazur

9th District
Cynthia E. Locklear

10th District
Michele M. Iannello

11th District
Lynn M. Marinelli

12th District
Robert B. Reynolds, Jr.

13th District
John J. Mills

14th District
Thomas A. Loughran

15th District
Barry A. Weinstein, MD

Invocation was led by Pastor Daniel Ward.

The Pledge of Allegiance was led by Mr. Holt.

Item 1 – Mr. Kelley called for nominations for the Office of Chairman of the Legislature for the year 2005.

MR. HOLT placed in nomination for Chairman of the Legislature **LYNN M. MARINELLI**. MS. WHYTE seconded.

CARRIED UNANIMOUSLY.

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We, the undersigned, representing a majority of the members of the Democratic Caucus in the Erie County Legislature do hereby nominate Lynn M. Marinelli as Chairman of the Erie County Legislature for 2006

Daniel Kozub
 1st District

Timothy M. Kennedy
 2nd District

George A. Holt, Jr.
 3rd District

Kathy Konst
 5th District

Maria R. Whyte
 6th District

Demone A. Smith
 7th District

Thomas J. Mazur
 8th District

Cynthia Locklear
 9th District

Michele Iannello
 10th District

Lynn M. Marinelli
 11th District

Robert Reynolds
 12th District

Thomas Loughran
 14th District

MR. HOLT moved that nominations be closed. MS. WHYTE seconded.

CARRIED UNANIMOUSLY.

The Clerk of the Legislature directed that a roll call vote be taken.

AYES: MILLS, RANZENHOFER, WEINSTEIN, HOLT, IANNELLO, KENNEDY, KONST, KOZUB, LOCKLEAR, LOUGHRAN, MARINELLI, MAZUR, REYNOLDS, SMITH and WHYTE. (AYES 15, NOES 0)

MS. MARINELLI having received the required number of votes cast was declared duly elected CHAIRMAN OF THE ERIE COUNTY LEGISLATURE for the year 2006.

Item 2 – CHAIRMAN MARINELLI directed that the Rules of Legislature for 2006 be tabled.

Item 3 – CHAIRMAN HOLT called for nominations and election of the Clerk of the Legislature for the year 2006.

MS. WHYTE placed in nomination for Clerk of the Legislature **KEVIN M. KELLEY**. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

We, the undersigned, representing a Majority of the members of the Erie County Legislature do hereby designate **KEVIN M. KELLEY** as Clerk of the Erie County Legislature for 2006.

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Daniel Kozub
 1st District

Timothy M. Kennedy
 2nd District

George A. Holt, Jr.
 3rd District

Kathy Konst
 5th District

Maria R. Whyte
 6th District

Demone A. Smith
 7th District

Thomas J. Mazur
 8th District

Cynthia Locklear
 9th District

Michele Iannello
 10th District

Lynn M. Marinelli
 11th District

Robert Reynolds
 12th District

Thomas Loughran
 14th District

We, the undersigned members of the Erie County Legislature, constituting members of the Minority Caucus, pursuant to the 2006 rules of the Erie County Legislature, do hereby designate **KEVIN M. KELLEY** as Clerk of the Erie County Legislature

MICHAEL H. RANZENHOFER
 4TH District

JOHN J. MILLS
 13th District

BARRY A. WEINSTEIN
 15TH District

MS. WHYTE moved for the approval of Kevin M. Kelley as Clerk of the Legislature for 2005.
 MR. HOLT seconded.

CARRIED UNANIMOUSLY.

Item 4 – CHAIRMAN MARINELLI called for nominations for the Majority Leader of the Legislature for 2005.

MR. KENNEDY placed in nomination for Majority Leader of the Legislature **MARIA R. WHYTE**. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

MR. KENNEDY moved that nominations be closed. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

We, the undersigned, representing a Majority of the members of the Erie County Legislature do hereby nominate **MARIA R. WHYTE** as Majority Leader of the Erie County Legislature for 2005.

Daniel Kozub
 1st District

Timothy M. Kennedy
 2nd District

George A. Holt, Jr.
 3rd District

Kathy Konst
 5th District

Maria R. Whyte
 6th District

Demone A. Smith
 7th District

Thomas J. Mazur
 8th District

Cynthia Locklear
 9th District

Michele Iannello
 10th District

Lynn M. Marinelli
 11th District

Robert Reynolds
 12th District

Thomas Loughran
 14th District

MR. KENNEDY moved for the approval of Maria R. Whyte as Majority Leader of the Legislature for 2006. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

Item 5 – MR. WEINSTEIN placed in nomination for Minority Leader of the Legislature **BARRY WEINSTEIN**. MR. MILLS seconded.

CARRIED UNANIMOUSLY.

MR. WEINSTEIN moved that nominations be closed. MR. MILLS seconded.

CARRIED UNANIMOUSLY.

We, the undersigned, pursuant to the 2006 rules of the Erie County Legislature, do hereby designate Barry A. Weinstein as Minority Leader of the Erie County Legislature

MICHAEL H. RANZENHOFER
 4TH District

JOHN J. MILLS
 13th District

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BARRY A. WEINSTEIN
15TH District

MR. WEINSTEIN moved for the approval of Barry A. Weinstein as Minority Leader of the Legislature for 2006. Mr. Mills seconded.

CARRIED UNANIMOUSLY.

Item 6 – Designation of Newspapers was tabled.

Item 7 – No tabled items.

Item 8 – No items for reconsideration from previous meeting.

Item 9 – Minutes of previous meeting were tabled.

Item 10 – No public hearings.

MISCELLANEOUS RESOLUTIONS

Item 11 – SMITH & HOLT presented a resolution Honoring Janet Penksa, Leaving After Seven Years of Service to the University at Buffalo's Government Affairs Division.

Item 12 – HOLT & SMITH presented a resolution In Memory of Garfield Hinton.

MS. WHYTE moved for consideration of the above two items. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved to amend the above two items for Et Al Sponsorship. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved to approve the above two items as amended. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 13 – CHAIRMAN MARINELLI directed that Local Law No. 2 (Print #1) 2005 remain on the table.

GRANTED.

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Item 14 – CHAIRMAN MARINELLI directed that Local Law No. 7 (Print #1) 2005 remain on the table.

GRANTED.

Item 15 – CHAIRMAN MARINELLI directed that Local Law No. 12 (Print #1) 2005 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

LEGISLATOR RESOLUTIONS

Item 16 – MS. WHYTE presented the following resolution and moved for immediate consideration. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 1

RE: 2006 Legislature Budget Technical
 Amendments (INTRO 1-1)

A RESOLUTION SUBMITTED BY
 LEGISLATOR MARINELLI

WHEREAS, in order to function effectively in 2006, the Legislature requires technical amendments and changes to the Legislature's 2006 Adopted Budget, and

WHEREAS, those amendments can be effectuated while keeping within the Legislature's Budget appropriation.

MS. WHYTE moved to amend the resolution. MR. HOLT seconded. MR. RANZENHOFER voted in the negative.

CARRIED.

AN AMENDMENT TO INTRO. 1-1
 TO BE SUBMITTED BY LEGISLATOR MARINELLI

RE: 2006 LEGISLATURE BUDGET TECHNICAL AMENDMENTS

ADD the following:

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby make the following technical budget amendments to the Legislature's 2006 Adopted Departmental Budget, all of which can be effectuated while keeping within the Legislature's Adopted appropriation for 2006, and all of which

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are effective January 1, 2006, with the exception of the District Office staff for Legislative District Nine (9), which shall be effective January 4, 2006:

Fund Center 100, Cost Center 1003030 Majority

ADD: (1) Chief of Staff-Legislature JG 17, \$77,888
 ADD: (1) Senior Clerk Typist (RPT), JG 4, \$24,902
 ADD: (1) Senior Clerk Typist (RPT), JG 4, \$24,902
 DELETE: (1) Senior Administrative Assistant JG 11 \$46,430
 DELETE: (1) Junior Administrative Assistant Leg, JG 6, \$33,446
 DELETE: (1) Counsel – Legislature (PT), JG 56, \$12,314

Fund Center 100, Cost Center 1005017 District Office Staff

DELETE: (3) Senior Secretarial Assist Leg Dist Of, JG 6, \$96,444
 DELETE: (3) Senior Secretarial Assist Leg Dis Of RPT, JG 6, \$60,123
 DELETE: (1) Senior Secretarial Assistant (Leg) RPT, JG 6, \$16,074
 DELETE: (2) Clerk Typist (RPT) Legislature, JG 1, \$37,070
 ADD: (5) Senior Secretarial Assist Leg Dis Of RPT, JG 6, \$109,537
 ADD: (7) Senior Secretarial Assist Leg Dis Of PT, JG 6, \$91,139

and be it further,

RESOLVED, that the following budget transfers shall be made:

Fund Center 100, Account 530000, Other Expenses	-\$12,500
Fund Center 100, Account 500000, Full-Time Salaries	+\$12,500
Fund Center 100, Account 545000, Rental Charges	-\$12,500
Fund Center 100, Account 500000, Full-Time Salaries	+\$12,500

and be it further

RESOLVED, that certified copies of this resolution be transmitted to the County Executive, Personnel Commissioner, County Attorney, and Comptroller.

Fiscal Impact: Necessary for Legislature operations and no net impact to the Legislature's 2006 Adopted Budget.

MS. WHYTE moved for the approval of the item as amended. MR. HOLT seconded. MR. RANZENHOFER voted in the negative.

CARRIED.

Item 17 – MS. WHYTE moved to received and file the following resolution. MR. HOLT seconded

CARRIED UNANIMOUSLY.

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Intro 1-2 from LEGISLATOR MARINELLI Re: 2006 Legislature Budget

COMMUNICATIONS DISCHARGED FROM COMMITTEE

Item 18 – MS. WHYTE moved to discharge the FINANCE & MANAGEMENT COMMITTEE from further consideration of Comm. 32E-1. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved for consideration of Comm. 32E-1. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 2

RE: Technical Corrections to the 2006 Budget (COMM. 32E-1)

WHEREAS, after careful review of the 2006 Personal Services Budget it was discovered that there are full time positions currently occupied requiring appropriations, and

WHEREAS, clarification is also required for additional technical personnel corrections,

NOW THEREFORE BE IT

RESOLVED, that the following positions are hereby appropriated in the 2006 Erie County Budget in order to properly fund established positions that are currently occupied which were not intended to be deleted,

Department	Fund Center	Full Time Position	Job Group	Salary
Jail Management	116	Deputy Sheriff-Criminal	jg 8	41,963
Probation	12610	Probation Officer (Spanish Speaking)	jg 11	41,049
Personnel	16110	Sr. Account Clerk	jg 6	37,496
Youth Detention	12620	Detention Facility Security Guard	jg 5	28,254
Youth Detention	12620	Detention Facility Security Guard	jg 5	28,254
Public Health Lab	12730	Senior Statistical Clerk	jg 6	39,052

and be it further,

RESOLVED, that the 2006 Erie County Budget be amended as follows to adjust for the technical corrections in the Personal Services Budget,

Department	Fund Center	Account	Acct #	Increase/ (Decrease)
Jail Management	116	Full Time Salaries	500000	\$ 41,963
Probation	12610	Full Time Salaries	500000	41,049
Personnel	16110	Full Time Salaries	500000	37,496

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Youth Detention	12620	Full Time Salaries	500000	56,508
Public Health Lab	12730	Full Time Salaries	500000	39,052
County Wide Budget Accounts	14010	Fringe Benefits	502000	(216,068)
		Net Impact		\$ 0

and be it further,

RESOLVED, that the position of Intern Personnel Specialist, JG 12, added to the budget for the Department of Personnel, be classified as a regular part time position not full time which will have no budget impact, and be it further

RESOLVED, that the position of Chief of Classification and Compensation which was incorrectly listed as a job group 14, be classified as job group 15, which reflects the amount budgeted, and be it further

RESOLVED, that all personnel actions contained in this resolution shall take effect January 1, 2006, and be it further

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to the Director of the Division of Budget, Management and Finance, the Comptroller, the County Attorney, the County Executive and all relevant Departments.

MS. WHYTE moved to amend the item. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

AMENDMENT TO COMM. 32E-1

RE: TECHNICAL CORRECTIONS TO THE 2006 BUDGET

DELETE the first (1st) and second (2nd) **RESOLVED** clauses in their entirety and **REPLACE** them with the following:

RESOLVED, that the following positions are hereby appropriated in the 2006 Erie County Budget in order to properly fund established positions that are currently occupied which were not intended to be deleted,

Department	Fund Center	Full Time Position	Job Group	Salary
Jail Management	116	Deputy Sheriff-Criminal	jg 8	41,963
Probation	12610	Probation Officer (Spanish Speaking)	jg 11	41,049
Personnel	16110	Sr. Account Clerk	jg 6	37,496
Youth Detention	12620	Detention Facility Security Guard	jg 5	28,254
Youth Detention	12620	Detention Facility Security Guard	jg 5	28,254
Public Health Lab	12730	Senior Statistical Clerk	jg 6	39,052
Probation	12610	Sr. Budget Examiner	Jg13	67,952

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and be it further,

RESOLVED, that the 2006 Erie County Budget be amended as follows to adjust for the technical corrections in the Personal Services Budget,

Department	Fund Center	Account	Acct #	Increase/ (Decrease)
Jail Management	116	Full Time Salaries	500000	\$ 41,963
Probation	12610	Full Time Salaries	500000	109,001
Personnel	16110	Full Time Salaries	500000	37,496
Youth Detention	12620	Full Time Salaries	500000	56,508
Public Health Lab	12730	Full Time Salaries	500000	39,052
County Wide Budget Accounts	14010	Fringe Benefits	502000	(284,020)
		Net Impact		\$ 0

and be it further,

ADD the following as the new third (3rd) **WHEREAS** clause:

WHEREAS, given the significant changes in the membership of the Erie County Legislature, and nine (9) new members, there is a need for additional funds to provide staff to serve the Legislators and their constituents,

ADD the following as the new fifth (5th) and sixth (6th) **RESOLVED** clauses:

RESOLVED, that a transfer of \$100,000 is hereby effectuated from Fund Center 14010, Countywide Budget Accounts, Fringe Benefits Account 502000, to Fund Center 100, Legislature, Full-Time Salaries, Account 500000, and be it further

RESOLVED, that all corrections shall be retroactive to January 1, 2006, and be it further

MS. WHYTE moved for the approval of the item as amended. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

Item 19 – MS. WHYTE moved to discharge the PUBLIC SAFETY COMMITTEE from further consideration of COMM. 31E-43. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved for consideration of Comm. 31E-43. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 3

RE: Erie County Sheriff's Office – 2006
 Technical Budget Amendments

WHEREAS, the 2006 adopted budget deleted positions and funding for equipment from the Sheriff's Office that are critical to providing mandated services to the citizens of Erie County, and

WHEREAS, funding for newly created positions and an increase in appropriations will be offset by positions vacated because of recent retirement, other reductions in workforce and a decrease in appropriations therefore requiring no additional county funds.

NOW, THEREFORE, BE IT

RESOLVED, that the following budget amendments are hereby authorized:

<u>Appropriation</u>	<u>Increase</u>
Business Area 115 – Sheriff Division	
Commitment Item 500000 – Full Time Salaries	\$69,154
Commitment Item 561440 – Motor Vehicle Equipment	\$175,000
<u>Appropriation</u>	<u>Decrease</u>
Business Area 115 – Sheriff’s Division	
Commitment Item 500010 – Part Time Salaries	\$89,900
Business Area 116 – Jail Management Division	
Commitment Item 500000 – Full Time Salaries	\$46,652
Commitment Item – 505400 – Food & Kitchen Supplies	\$75,000
Commitment Item 505800 – Medical & Health Supplies	\$32, 602
 NET IMPACT	 \$ 0

and be it further

RESOLVED, that the following personnel adjustments are hereby authorized,

Department	Fund Center	Job Group	Job Title	Positions Deleted	
Sheriff	11510	3	Receptionist	2	
		6	Drug Abuse Lecturer	1	
		8	Deputy Sheriff Reserve	10	
				13	
Jail Management	11610	9	Administrative Asst. Courts	1	
				1	
			Total Savings	14	229,680

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Department	Fund Center	Job Group	Job Title	Positions Created	
Sheriff	11510	9	Junior EEO Specialist Sheriff		
		10	Executive Asst. – Public Relations Sheriff	1	
		10	Special Asst. to Sheriff	1	
			Total Cost	3	162,282

And be it further

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolutions to the Director of the Division of Budget, Management and Finance, the Department of Personnel, the Erie County Comptroller's Office, the Office of the Sheriff, and the County Executive.

MS. WHYTE moved to amend the resolution. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

AN AMENDMENT TO COMM. 31E-43
TO BE SUBMITTED BY LEGISLATOR MARINELLI

RE: ERIE COUNTY SHERIFF'S OFFICE TECHNICAL BUDGET AMENDMENTS

ADD the following as the new third (3rd) RESOLVED clause:

RESOLVED, that these amendments shall be effective January 1, 2006, and be it further

MS. WHYTE moved for the approval of the item as amended. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

SUSPENSION OF THE RULES

Item 20 – MS. WHYTE moved for a suspension of the rules to include an item not on the agenda.

GRANTED.

CHAIRMAN MARINELLI directed that the item be referred to the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

COMM. 1E-32 from the COUNTY EXECUTIVE Re: DPW - Rath Building - 2006 - 14th Floor - Asbestos Abatement

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Item 21 – MS. WHYTE moved for a suspension of the rules to include an item not on the agenda.

GRANTED.

CHAIRMAN MARINELLI directed that the item be referred to the HEALTH COMMITTEE.

GRANTED.

COMM. 1M-11 from the NYS SUPREME COURT Re: Memorandum Decision of ECMCC vs. COE

Item 22 – MS. WHYTE moved for a suspension of the rules to include an item not on the agenda.

GRANTED.

CHAIRMAN MARINELLI directed that the item be Received, Filed and Printed.

GRANTED.

COMM. 1E-33 from LEGISLATOR MARINELLI Re: 2006 Committee Assignments

2006 Committee Assignments

Community Enrichment

Chairperson: Michele M. Iannello
Vice-Chairperson: George A. Holt, Jr.
Members: Thomas A. Loughran
Clerk: Paul Henderson

Economic Development

Chairperson: Timothy M. Kennedy
Vice-Chairperson: Kathy Konst
Members: Robert B. Reynolds, Jr.
Clerk: John Calvin Davis

Energy & Environment

Chairperson: Thomas A. Loughran
Vice-Chairperson: Daniel M. Kozub
Members: Maria R. Whyte
Clerk: John Calvin Davis

Finance & Management

Chairperson: Demone A. Smith
Vice-Chairperson: Maria R. Whyte
Members: Kathy Konst
Clerk: Geoffrey M. Szymanski

Government Affairs

Chairperson: George A. Holt, Jr.
Vice-Chairperson: Cynthia E. Locklear
Members: Robert B. Reynolds, Jr.
Clerk: Geoffrey M. Szymanski

Health

Chairperson: Cynthia E. Locklear
Vice-Chairperson: Thomas J. Mazur
Members: Maria R. Whyte
Clerk: Paul Henderson

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Human Services

Chairperson: Thomas J. Mazur
Vice-Chairperson: Demone A. Smith
Members: Michele M. Iannello
Clerk: Paul Henderson

Public Safety

Chairperson: Daniel M. Kozub
Vice-Chairperson: Timothy M. Kennedy
Members: Robert B. Reynolds, Jr.
Clerk: Jeremy Rosen

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM THE COUNTY EXECUTIVE

Item 23 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. WEINSTEIN seconded. MS. IANNELLO voted in the negative.

CARRIED.

RESOLUTION NO. 4

RE: DPW - Environmental Engineering Services - County-Wide - Industrial Hygiene & Indoor Air Quality and Regional Economic Development - Strategy using Transit Initiatives Study (COMM. 1E-1)

WHEREAS, the Erie County Legislature authorized the County Executive to enter into General Architect/Engineer contracts with URS Greiner Corp., which included Industrial Hygiene & Indoor Air Quality Environmental Engineering Services in many of our County facilities, along with a Regional Economic Development Strategy using Transit Initiatives Study to reduce vehicle traffic and improve safety, and,

WHEREAS, in order to assure these necessary services, the Commissioner of Public Works is requesting a fee allocation of \$143,711.00 be paid on a time and material project-by-project basis,

NOW, THEREFORE, BE IT,

RESOLVED, that the Commissioner of Public Works be authorized to issue a change order to the General Architectural/Engineering contract with the firm of URS Greiner Corp., and be it further,

RESOLVED, that payment for said fees be from the following:

'98 Asbestos, Project A.00170	\$27,554.00
'01 Code Compliance, Project A.00025	\$13,731.00
'02 Indoor Air Quality, Project A.00048	\$ 2,426.00
'03 Highway Safety Enhancements (Countywide), Project B.00054	<u>\$100,000.00</u>
Total	\$143,711.00

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and, be it further,

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Commissioner's Office; one to the Office of the County Executive; one copy to the Division of Budget Management & Finance; and one copy to the Office of the Comptroller.

FROM THE COMPTROLLER

Item 24 – (Comm. 1E-2) Certificate of Determination Relative to the Terms, Form and Details of Sale and Issuance of \$62.57 Million Public Improvement Serial Bonds - Series 2005A, \$12.215 Million Sewer District Bonds - Series 2005B and \$22.65 Million Public Improvement Serial Bond

Item 25 – (Comm. 1E-3) Certificate of Determination Relative to the Terms, Form and Details of Sale and Issuance of \$53.97 Million Refunding Serial Bonds - Serial 2005D of the COE, NY

The above two items were Received and Filed.

Item 26 – (Comm. 1E-4) Copy of Letter to ECFSA Executive Director Re: Comm. 32M-10

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM LEGISLATOR WEINSTEIN

Item 27 – (Comm. 1E-5) Suggestions for Charter Revision Commission

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM LEGISLATOR SMITH

Item 28 – (Comm. 1E-6) Copy of Letter to NYS Supreme Court Justice Makowski Re: ECMCC Litigation

Received and Filed.

FROM THE COUNTY EXECUTIVE

Item 29 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. HOLT seconded.

CHAIRMAN MARINELLI directed that a Roll Call vote be taken.

AYES: MILLS, WEINSTEIN, HOLT, IANNELLO, KENNEDY, KONST, KOZUB, LOCKLEAR, LOUGHRAN, MARINELLI, MAZUR, REYNOLDS, SMITH and WHYTE. NOES: RANZENHOFER (AYES 14, NOES 1)

CARRIED.

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RESOLUTION NO. 5

RE: ECMCC Settlement Document
(COMM. 1E-7)

RESOLVED, the Erie County Legislature does hereby approve the Consent Decree reached between the Erie County Medical Center Corporation and the County of Erie, New York.

***Copies of the Consent Decree available in the Office of the Clerk of the Legislature.

Item 30 – (Comm. 1E-8) Cultural/Research Funding

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

Item 31 – (Comm. 1E-9) Cultural/Research Funding

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 32 – (Comm. 1E-10) Open Item - Sheriff Dispatch Positions in CPS

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 33 – (Comm. 1E-11) Civil Service Fee Increase

Item 34 – (Comm. 1E-12) Grant Program - Authorization to Contract

The above two items were received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 35 – (Comm. 1E-13) Preparation of School District Tax Rolls

Received, Filed and Printed.

December 29, 2005

The Honorable
Erie County Legislature
92 Franklin Street
Buffalo, New York
14202

RE: Preparation of School District Tax Rolls & Bills

Your Honorable Body:

Please receive, file and print the attached billing for the preparation of 2005-2006 School District Tax Rolls at your meeting on January 5, 2006.

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Amherst	9130	0.46540271	\$4,249.13
Sweet Home	10875	0.46540271	\$5,061.25
Attica	0	0	\$100.00
East Aurora	6280	0.46540271	\$2,922.73
Cheektowaga	8165	0.46540271	\$3,800.01
Maryvale	7439	0.46540271	\$3,462.13
Cleveland Hill	4598	0.46540271	\$2,139.92
Sloan	5172	0.46540271	\$2,407.06
Clarence	11215	0.46540271	\$5,299.49
Springville	6463	0.46540271	\$3,007.90
Depew	6821	0.46540271	\$3,174.51
Eden	4779	0.46540271	\$2,224.16
Frontier	16256	0.46540271	\$7,565.59
Grand Is	8524	0.46540271	\$3,967.09
Gowanda	1404	0.46540271	\$653.43
Hamburg	9994	0.46540271	\$4,651.23
Holland	3395	0.46540271	\$1,580.04
Iroquois	7657	0.46540271	\$3,563.59
Lancaster	16440	0.46540271	\$7,651.22
Lake Shore	10359	0.46540271	\$4,821.11
North Collins	2460	0.46540271	\$1,144.89
Orchard Park	13099	0.46540271	\$6,096.31
Pioneer	894	0.46540271	\$416.07
Silver Creek	0	0	\$100.00
Ken-Ton	26501	0.46540271	\$12,333.64
Williamsville	26758	0.46540271	\$12,453.25
West Seneca	21501	0.46540271	\$10,006.62
City of Tonawanda	6483	0.46540271	\$3,067.21

Total	262,087.00		\$122,356.00
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Item 36 – (Comm. 1E-14) Preparation of Village 2005 Tax Rolls & Bills

Received, Filed and Printed.

December 29, 2005

The Honorable
 Erie County Legislature
 92 Franklin Street
 Buffalo, New York 14202

RE: Preparation of Village 2005 Tax Rolls & Bills

Your Honorable Body:

MEETING NO. 1
January 5, 2006

ERIE COUNTY LEGISLATURE

Please receive, file and print the following billing for the preparation of Village Tax Rolls and Bills for the year 2005 at your meeting on January 5, 2006.

Pursuant to the amended Erie County Tax Act, the Director of Budget, Management and Finance and/or successor to Commissioner of Finance as directed by Section 3-2.2, herewith certifies to the Erie County Legislature that the attached statement and apportionment is the total cost of material and labor in making and spreading Village Tax Rolls and Bills.

Respectfully,

JOEL A. GIAMBRA
 Erie County Executive

JAG/ms
 Attach.

REF: BMFFMTONA

Village Tax Bills

Preparation of VILLAGE TAXES 2005

Tax Bills	\$3,100.00	
Tax Rolls, Assessment Roll & Worksheets	\$1,700.00	
Wages	\$4,309.99	4309.9914
Data Processing Time	\$6,175.74	6175.7397
<hr/>		
Total Cost	\$15,285.73	
Cost per parcel	\$ 0.430124	

Village	parcels	Rate	Cost
Akron	1164	\$ 0.430124	\$500.66
Alden	877	\$ 0.430124	\$377.22
Angola	952	\$ 0.430124	\$409.48
Blasdell	1171	\$ 0.430124	\$503.67
Depew	6647	\$ 0.430124	\$2,859.03

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ERIE COUNTY LEGISLATURE

East Aurora	2599	\$	0.430124	\$1,117.89
Farnham	216	\$	0.430124	\$92.91
Gowanda	1207	\$	0.430124	\$519.16
Hamburg	3663	\$	0.430124	\$1,575.54
Kenmore	5680	\$	0.430124	\$2,443.10
Lancaster	4328	\$	0.430124	\$1,861.57
North Collins	535	\$	0.430124	\$230.12
Orchard Park	1178	\$	0.430124	\$506.69
Sloan	1600	\$	0.430124	\$688.20
Springville	1615	\$	0.430124	\$694.65
Williamsville	2106	\$	0.430124	\$905.84
	35538			\$15,285.73

Item 37 – (Comm. 1E-15) Preparation of City of Tonawanda Tax Rolls & Bills

Received, Filed and Printed.

December 29, 2005

The Honorable
 Erie County Legislature
 92 Franklin Street
 Buffalo, New York
 14202

RE: Preparation of City of Tonawanda Tax Rolls & Bills

Your Honorable Body:

Please receive, file and print the following billing for the preparation of City of Tonawanda City Tax Rolls and Bills for the year 2005 at your meeting on January 5, 2006.

Pursuant to the amended Erie County Tax Act, the Director of Budget, Management and Finance and/or successor to Commissioner of Finance as directed by Section 3-2.2, herewith certifies to the Erie County Legislature that the attached statement and apportionment is the total cost of material and labor in making and spreading City of Tonawanda City Tax Rolls and Bills.

Respectfully,

JOEL A. GIAMBRA
 Erie County Executive

MEETING NO. 1
January 5, 2006

ERIE COUNTY LEGISLATURE

JAG/ms
 Attach.

REF: BMFFMTONA

TO THE HONORABLE ERIE COUNTY LEGISLATURE:

Preparation of City of Tonawanda Taxes 2005

Tax Bills	\$300.00
Tax Rolls, Assessment Roll & Worksheets	\$275.00
Wages	\$3,400.00
Data Processing Time	\$3,000.00
<hr/>	
Total Cost	\$6,975.00

Parcels 6891 Cost per parcel 1.01219

Item 38 – (Comm. 1E-16) ECSD Nos. 2&4 - Engineer Term Agreement

Item 39 – (Comm. 1E-17) ECSD No. 1 - Contract No. 30 - Contract Close Out - Inter-County Paving Associates, LLC

Item 40 – (Comm. 1E-18) ECSDs & STSTA - Engineering Agreement Close-Out - 2002 - Term Agreement

The above three items were received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 41 – (Comm. 1E-19) DPW - Highway Division - Harlem & Hamburg Maintenance Centers & EC Bureau of Weights & Measures, Emergency Generator Installation

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 42 – (Comm. 1E-20) ECSD No. 3 & STSTA - Engineer Term Agreement - Work Order: URS-3, Legislative Comm. 21E-33

Item 43 – (Comm. 1E-21) DEP - Sewerage Management - Engineer Term Agreement - Work Order: MPI-4

MEETING NO. 1
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ERIE COUNTY LEGISLATURE

The above two items were received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 44 – (Comm. 1E-22) Health - S.M.A.R.T. Donations

Item 45 – (Comm. 1E-23) Health - Facilitated Enrollment Program - 1/1/06 - 12/31/06 - SAP #127FACENROLL2006

Item 46 – (Comm. 1E-24) Health - Western Regional Training Grant - 7/1/05 - 6/30/06 - SAP Title: 127WSTREGTRAIN0506 - Cost Center: 1271230 Personnel Adjustments

Item 47 – (Comm. 1E-25) Health - Lease Agreements for WIC Program Distribution Sites

The above four items were received and referred to the HEALTH COMMITTEE.

Item 48 – (Comm. 1E-26) DSS - Youth Engagement Services Program

Received and referred to the HUMAN SERVICES COMMITTEE.

Item 49 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. SMITH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 6

RE: Buffalo Niagara Convention Center & Visitors Bureau (Comm. 1E-27)

WHEREAS, Tourism is an important economic component in Erie County that needs and deserves greater funding, and

WHEREAS, The Buffalo Niagara Convention and Tourism Bureau is in need of funding that it not currently designated in the 2006 Erie County budget for the Bureau to effectively market our region to individuals and groups who will bring “new dollars” into our community.

NOW, THEREFORE, BE IT

RESOLVED, that the Tourism Visitors & Convention Services account 516000 is hereby increased by \$450,000.00, the source of funds being a transfer from the countywide contingency account 598900 in the same amount, and be it further

RESOLVED, that prior to funds being released, that any charter requirements regarding public hearings be met, and be it further

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to the Director of the Division of Budget, Management and Finance, the County Comptroller and the County Executive.

MEETING NO. 1
January 5, 2006

ERIE COUNTY LEGISLATURE

Item 50 – (Comm. 1E-28) Niagara Power Plant Relicensing Settlement Agreement

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 51 – (Comm. 1E-29) Reappointment to ECMCC Board of Directors

Received, Filed and Printed.

December 30, 2005

The Honorable
 Erie County Legislature
 25 Delaware Ave.
 Buffalo, New York 14202

RE: Reappointment to Erie County Medical Center Board of Directors

The Honorable
 Erie County Legislature
 25 Delaware Ave.
 Buffalo, New York 14202

Dear Members:

On December 14, 2005 Anthony Iacono and Pastor Michael Badger were reappointed to the Erie County Medical Center Board of Directors for the term ending December 31, 2011. As this is a five year term the correct expiration date should be December 31, 2010. Please correct item number 32E-6 in the official minutes to reflect this change.

Respectfully submitted

JOEL A. GIAMBRA
 ERIE COUNTY EXECUTIVE

JAG/jdl

Cc: Anthony Iacono
 Pastor Michael Badger
 Jody Lomeo, Chairperson, ECMCC Board of Directors

Item 52 – (Comm. 1E-30) Reappointment to ECMCC Board of Directors

Item 53 – (Comm. 1E-31) Reappointment to ECMCC Board of Directors

The above two items were received and referred to the HEALTH COMMITTEE.

COMMUNICATIONS FROM THE DEPARTMENTS

MEETING NO. 1
January 5, 2006

ERIE COUNTY LEGISLATURE

FROM THE COMMUNITY COLLEGE

Item 54 – (Comm. 1D-1) Minutes for Board of Trustees Meeting Held 11/16/05

Received and Filed.

FROM THE COUNTY ATTORNEY

Item 55 – (Comm. 1D-2) Transmittal of New Claims Against Erie County

Item 56 – (Comm. 1D-3) Copy of Letter to Budget Director & Comptroller Re: ECTASC - Resolution & Extract of Minutes Authorizing Sale of Tobacco Trust Residuals (Comm. 31E-42)

Item 57 – (Comm. 1D-4) Transmittal of New Claims Against Erie County

The above three items were Received and Filed.

FROM THE CLERK OF THE LEGISLATURE

Item 58 – (Comm. 1D-5) Notice of 2006 Reorganization Meeting to be Held 1/5/06

Received, Filed and Printed.

January 3, 2006

TO THE MEMBERS OF THE LEGISLATURE:

PLEASE TAKE NOTICE that, pursuant to the attached communication, *2006 SCHEDULE OF LEGISLATIVE SESSION* (Comm. 32E-4 – 2005), a meeting to organize the Erie County Legislature for the year 2006 will be held in the Legislative Chambers, 92 Franklin Street, 4th Floor, Buffalo, New York, on the 5th day of January, 2006, at 2'o'clock in the afternoon of that day, and a Chairman of said Legislature for the year 2006 will then be selected, and you are hereby notified to be present at such time and place as aforesaid.

Kevin M. Kelley, Clerk
 Erie County Legislature

Attachment – Comm. 32E-4

Item 59 – MS. WHYTE presented the following resolution and moved for consideration. MR. KOZUB seconded. MR. LOUGHRAN abstained.

CARRIED (14-0).

RESOLUTION NO. 7

RE: Legislature District Offices (COMM. 1D-6)

MEETING NO. 1
January 5, 2006

ERIE COUNTY LEGISLATURE

January 3, 2006

Erie County Legislature
 92 Franklin Street
 Buffalo, New York 14202

Dear Legislators:

In the event that today's eleven o'clock (11:00 a.m.) deadline passes before Legislators have an opportunity to have their district office leases clocked-in, please be advised that this letter may be used as a vehicle to amend at the regular session scheduled for Thursday, January 5, 2006.

Thank You.

Sincerely,

Kevin M. Kelley
 Clerk of the Legislature

MS. WHYTE moved to amend the item. MR. KENNEDY seconded. MR. LOUGHRAN abstained.

CARRIED (14-0).

RESOLVED, the Erie County Executive is hereby authorized to sign a One (1) Year Lease Agreement with 3D Partners LLC. located at 4549 Main Street, Suite 100 in Amherst, New York for Legislative Office Space for Thomas Loughran at a monthly rate of \$600.00.

MS. WHYTE moved for the approval of the item as amended. MR. MAZUR seconded. MR. LOUGHRAN abstained. MS. IANNELLO voted in the negative.

CARRIED. (13-1)

Item 60 – (Comm. 1D-7) Agenda Items Received and Filed on 12/31/05

Received, Filed and Printed.

January 2, 2006

TO: Erie County Legislators

FROM: Kevin M. Kelley, Clerk

REFERENCE: Agenda Items Received and Filed on 12/31/05

MEETING NO. 1
January 5, 2006

ERIE COUNTY LEGISLATURE

In accordance with Section 5.05 of the Erie County Legislature's 2004 Rules of Order, please be advised that the attached list represents all items (Local Laws, Resolutions, Departmental and Miscellaneous Communications) that have been removed from the agenda of the Legislature (including all Committee Agendas) as of December 31, 2004.

All of these items were clocked-in on or before December 31, 2004. Items clocked-in after that date remain on the Legislature's agenda.

Attachment – List of Received and Filed Items

Cc: Erie County Executive
Erie County Clerk
Erie County Comptroller
Erie County District Attorney
Erie County Sheriff
Other Interested Parties

ITEMS RECEIVED AND FILED AS OF 12/31/05

Item Name	From	Subject	Committee	Session	Year
LL INT 10-1	HOLT, MARINELLI, MINORITY CAUCUS, WROBLEWSKI	A LL Rel to Agreements for Management & Operation of Buffalo Zoological Gardens, Shea's, Kleinhans & Botanical Gardens	Community Services	17	2004
LL INT 15-1	McCARVILLE, MINORITY CAUCUS	A LL Defining Lobbyists & Their Retention by Erie County		25	2004
LL INT 17-1	SMITH	A LL Defining How Large Retail Stores Will Be Regulated in Erie County		26	2004
INT. 7-4	RANZENHOFER, MINORITY CAUCUS	Sheriff's Stop Underage Drinking Program	Public Safety	7	2004
INT. 8-2	SWANICK & CHASE	Supporting a Multi-Agency Effort to Combat Violence & Illegal Use of Weapons & Illicit Narcotics	Public Safety	8	2004
INT. 17-7	SWANICK	Requesting NYS Broaden the Definition of "Beverage" for Purposes of Deposit	Economic Development	17	2004
COMM. 1D-21	DIRECTOR OF BUDGET, MANAGEMENT, & FINANCE	OPEN ITEM: Correction of Errors on Petitions	Finance & Management	1	2004
COMM. 22E-7	SHERIFF	Copy of Letter to Erie County Mayors & Supervisors Re: Charging Municipalities for Erie County Sheriff Services	Public Safety	22	2004
COMM. 22E-13	COUNTY EXECUTIVE	Potential Acquisition, Pursuant to the Eminent Domain Procedure Law, of 19.1 Acre Parcel Adjacent to Bennett Beach Park	Economic Development	22	2004

MEETING NO. 1
January 5, 2006

ERIE COUNTY LEGISLATURE

Item Name	From	Subject	Committee	Session	Year
COMM. 23E-30	COUNTY EXECUTIVE	OPEN ITEM: Sewer District Bond Authorization	Energy & Environment	23	2004
COMM. 25E-30	COUNTY EXECUTIVE	Data Gap Analysis Extension	Public Safety	25	2004

MEETING NO. 1
January 5, 2006

ERIE COUNTY LEGISLATURE

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM THE NYS DEPARTMENT OF STATE

Item 61 – (Comm. 1M-1) Certificate of Appointment of Member of ECIDA Agency

Received, Filed and Printed.

CERTIFICATE OF APPOINTMENT
OF MEMBER OF ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY

To the Honorable Secretary of the State of New York:

Pursuant to Section 856, Subdivision 2 of the General Municipal Law, the undersigned hereby certifies that the following person has been appointed and is currently serving as a Member of the Erie County Industrial Development Agency:

Dennis M. Penman
M.J. Peterson Corp.
501 John James Audubon Parkway
Amherst, New York 14228

Effective: December 12, 2005

THE COUNTY LEGISLATURE OF
THE COUNTY OF ERIE

By Kevin M. Kelley, Clerk

FROM THE NYS COMMISSIONER OF JURORS

Item 62 – (Comm. 1M-2) Annual Jury Board Meeting

Received and Filed.

FROM THE TOWN OF BOSTON

Item 63 – (Comm. 1M-3) Erie County CDBG Program

Received and Filed.

FROM THE NYSAC

Item 64 – (Comm. 1M-4) County Organization in NYS

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE TOWN OF LANCASTER

Item 65 – (Comm. 1M-5) Resolution in Opposite to Change in the EC Community Development Block Grant Program

Received and Filed.

FROM THE CITY OF BUFFALO – DEPT. OF LAW

Item 66 – (Comm. 1M-6) Amendment to the Intermunicipal Cooperation Agreement for the Operation, Management & Improvement of City of Buffalo Parkland

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE EC SOIL & WATER CONSERVATION DISTRICT

Item 67 – (Comm. 1M-7) Request for Appointments to Board of Directors

Received and filed.

FROM THE BOARD OF HEALTH

Item 68 – (Comm. 1M-8) Proposed Revisions to the Erie County Sanitary Code, Article ZZII - Regulation of Tattoo Artists & Establishments

Received and Filed.

FROM THE NYS FISH & WILDLIFE MANAGEMENT BOARD

Item 69 – (Comm. 1M-9) Region 9 FWMA Board Minutes for Meeting Held 12/1/05

Received and Filed.

FROM THE NFTA

Item 70 – (Comm. 1M-10) NFTA Board Minutes for Meeting Held 11/21/05

Received and Filed.

MEMORIAL RESOLUTIONS

Item 71 – Mr. Smith requested that when the Legislature adjourns, it do so in memory of James Limsey.

Item 72 – Mr. Smith requested that when the Legislature adjourns, it do so in memory of Michael Banks.

Item 73 – Mr. Holt requested that when the Legislature adjourns, it do so in memory of Garfield Hinton.

Item 74 – Ms. Ianello requested that when the Legislature adjourns, it do so in memory of the 12 deceased Coal Miners.

ADJOURNMENT

Item 75 – At this time, there being no further business to transact, the Chairman announced that the Chair would entertain a Motion to Adjourn.

MS. WHYTE moved that the Legislature adjourn until Thursday, January 19, 2006 at 2 p.m. Eastern Standard Time. MR. LOUGHRAN seconded.

CARRIED UNANIMOUSLY.

The Chairman declared the Legislature adjourned until Thursday, January 19, 2006 at 2 p.m. Eastern Standard Time.

KEVIN M. KELLEY
CLERK